
Name _____

Prison Number

Place of Confinement

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)

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CASE NO. _____
(To be supplied by the Clerk)

**MOTION PURSUANT TO
28 U.S.C. §2255 TO VACATE,
SET ASIDE OR CORRECT
SENTENCE BY A PERSON IN
FEDERAL CUSTODY**

_____, Movant.)

(If movant is attacking a sentence based on a federal conviction to be served in the **future**, the motion should be filed in the federal court which entered the judgment.)

- 1) Name and location of the court which entered the judgment of conviction under attack:_____.
- 2) Date judgment of conviction was entered:_____.
- 3) Case number:_____.
- 4) Length and terms of sentence:_____.

- 5) Are you presently serving a sentence imposed for a conviction other than the conviction under attack in this motion?
Yes ☐ No ☐
- 6) Name of the judge who imposed sentence under attack in this motion: _____
- 7) Nature of the offense involved (all counts): _____

- 8) What was your plea? **(check one)**
a) Not Guilty ☐ b) Guilty ☐ c) Nolo Contendere ☐
- 9) If you entered a plea of guilty pursuant to a plea bargain, state the terms and conditions of the agreement: _____

- 10) If you were found guilty after a plea of not guilty, was the finding made by: **(check one)**
a) A jury ☐ b) A judge without a jury ☐
- 11) Did you testify at trial (if any)? Yes ☐ No ☐
- 12) Did you **appeal** from the judgment of conviction? Yes ☐ No ☐
- 13) If you did appeal, answer the following:
- a) State the name and location of the court where the appeal was filed, the result, the case number and the date of the court's decision (or attach a copy of the court's opinion or order):

- b) State the issues raised: _____

- 14) If you did not appeal, explain briefly why you did not: _____

15) Other than a direct appeal from the judgment of conviction and sentence, have you previously filed in any federal court any petitions, applications or motions with respect to the judgment under attack in this motion? Yes ☐ No ☐

16) If your answer to question 15 was “Yes”, give the following information:

a) As to the first petition, application or motion:

1) Name of court:_____

2) Nature of proceeding:_____

3) Issues raised:_____

4) Did you receive an evidentiary hearing on your petition, application or motion? Yes ☐ No ☐

5) Result:_____

6) Date of result:_____

7) Did you appeal the result to the federal appellate court having jurisdiction? Yes ☐ No ☐ If you did appeal, give the name of the court where the appeal was filed, the result, the case number, citation and date of the court’s decision (or attach a copy of the court’s opinion or order):_____

8) If you did not appeal, briefly explain why you did not:

b) As to any second petition, application or motion, give the following information:

- 1) Name of court:_____
- 2) Nature of proceeding:_____
- 3) Issues raised:_____

- 4) Did you receive an evidentiary hearing on your petition, application or motion? Yes ☐ No ☐
- 5) Result:_____
- 6) Date of result:_____
- 7) Did you appeal the result to the federal appellate court having jurisdiction? Yes ☐ No ☐ If you did appeal, give the name of the court where the appeal was filed, the result, the case number, citation and date of the court's decision (or attach a copy of the court's opinion or order): _____

- 8) If you did not appeal, briefly explain why you did not:

c) As to any third petition, application or motion, give the following information:

- 1) Name of court:_____
- 2) Nature of proceeding:_____
- 3) Issues raised:_____

- 4) Did you receive an evidentiary hearing on your petition, application or motion? Yes ☐ No ☐
- 5) Result:_____
- 6) Date of result:_____

- 7) Did you appeal the result to the federal appellate court having jurisdiction? Yes ☐ No ☐ If you did appeal, give the name of the court where the appeal was filed, the result, the case number, citation and date of the court's decision (or attach a copy of the court's opinion or order): _____

- 8) If you did not appeal, briefly explain why you did not:

- 17) State **concisely** every ground on which you claim that you are being held unlawfully. Summarize **briefly** the **facts** supporting each ground. If necessary, you may attach up to two extra pages (8 1/2" x 11") stating additional grounds or supporting facts. You should raise in this motion all available grounds for relief which relate to the conviction under attack.

- a) Ground One: _____

- 1) Supporting facts (tell your story briefly without citing legal authority or argument):

- 2) Has this ground been previously presented to any federal court by way of petition for writ of habeas corpus, motion pursuant to 28 U.S.C. § 2255, or any other petition, motion or application?

Yes ☐ No ☐

- a) If your answer is "Yes", indicate which type of proceeding you used to present this ground: _____

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- b) If your answer is “No”, state briefly your reason(s) for not presenting this ground:_____

b) Ground Two:_____

- 1) Supporting facts (tell your story briefly without citing legal authority or argument):

- 2) Has this ground been previously presented to any federal court by way of petition for writ of habeas corpus, motion pursuant to 28 U.S.C. §2255, or any other petition, motion or application?

Yes ☐ No ☐

- a) If your answer is “Yes”, indicate which type of proceeding you used to present this ground:_____

- b) If your answer is “No”, state briefly your reason(s) for not presenting this ground:_____

c) Ground Three: _____

1) Supporting facts (tell your story briefly without citing legal authority or argument):

2) Has this ground been previously presented to any federal court by way of petition for writ of habeas corpus, motion pursuant to 28 U.S.C. §2255, or any other petition, motion or application? Yes ☐ No ☐

a) If your answer is “Yes”, indicate which type of proceeding you used to present this ground:_____

b) If your answer is “No”, state briefly your reason(s) for not presenting this ground:_____

d) Ground Four:_____

1) Supporting facts (tell your story briefly without citing legal authority or argument):

2) Has this ground been previously presented to any federal court by way of petition for writ of habeas corpus, motion pursuant to 28 U.S.C. §2255, or any other petition, motion or application? Yes ☐ No ☐

a) If your answer is “Yes”, indicate which type of proceeding you used to present this ground: _____

b) If your answer is “No”, state briefly your reason(s) for not presenting this ground: _____

18) Do you have any petition, application, motion or appeal now pending in any court regarding the conviction under attack? Yes ☐ No ☐ If “Yes”, state the name of the court and the nature of the proceeding: _____

19) Were you represented by an attorney at any time during the course of your arraignment and plea, trial (if any), sentencing, appeal (if any), or during the preparation, presentation or consideration of any petitions, motions or applications which you filed with respect to this conviction? Yes ☐ No ☐ If “Yes”, state the name(s) and address (es) of any such attorney(s), the proceedings in which you were so represented and whether said attorney(s) was/were of your own choosing or if appointed by the court: _____

Wherefore, movant prays that the court grant him such relief to which he may be entitled in this proceeding.

Signature of Attorney (if any)

Signature of Movant

(Attorney's full address and telephone
number.)

DECLARATION UNDER PENALTY OF PERJURY

The undersigned declares under penalty of perjury that he is the movant in the above
action, that he has read the above pleading and that the information contained therein is
true and correct.

28 U.S.C. § 1746. 18 U.S.C. § 1621.

Executed at _____ on _____, 20____.
(Location) (Date)

(Signature)